



March 12, 2008

EDWARD G. WEIL  
DEPUTY ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX 70550  
OAKLAND CA 94612-0550

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that Cost Plus Inc., has been, is, will be and threatens to be in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below listed address and telephone number, and I am a responsible individual at both Mateel and this office. The above referenced violations occur when California residents come into contact with products that are made of, or incorporate parts made of, brass and/or bronze (collectively "brass products"). A list of examples of the specific types of products at issue is attached. Though the products on the attached list are listed with a product number or SKU, this Notice pertains to all products of the same specific type, not just to those products, the specific numbers for which are listed in the product list. The brass products are made in whole, or in part, from leaded brass and bronze alloys, which contain lead and lead compounds ("lead"), which are chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead whenever they handle these brass products, such as when buying them, when handling them, or when using them. Lead is transferred from the brass products to their hands and to other parts of their skin. This lead is then absorbed through the skin, taken into cuts and abrasions, absorbed through mucous membranes, and transferred from the skin to the mouth via oral contact either directly with the lead-contaminated skin, and when lead is transferred from contaminated skin to cigarettes and food and the contaminated cigarettes and food are smoked and/or eaten. These lead exposures thus occur via the dermal absorption, subcutaneous, mucus membrane, ingestion and inhalation routes. Cost Plus, Inc. did not and does not provide people with clear and reasonable warnings before it exposes them to lead. These violations have occurred every day since at least March 12, 2005 and will continue every day until the lead is removed from the brass products, or until clear and reasonable warnings are given. The above-referenced violations are alleged for occupational exposures as well as for consumer and environmental exposures. We do not, however, allege occupational exposure violations as to any brass products made outside of California, except as to workplaces Cost Plus, Inc. itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off Cost Plus, Inc.'s property and in each of California's 58 counties.

Cordially,

William Verick

# SERVICE LIST

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25 COUNTY CENTER DR.  
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EL CENTRO, CA 92243

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INDEPENDENCE, CA 93526

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ATTORNEY  
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SAN FRANCISCO, CA 94103

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COUNTY GOVERNMENT CENTER #450  
SAN LUIS OBISPO, CA 93408

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OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SANTA CLARA  
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SAN JOSE, CA 95110

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SANTA CRUZ  
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SANTA CRUZ, CA 95060

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SANTA ROSA, CA 95403

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MODESTO, CA 95354

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COUNTY OF SUTTER  
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COUNTY OF TUOLUMNE  
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SONORA, CA 95370

VENTURA COUNTY DISTRICT ATTORNEY'S  
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800 SOUTH VICTORIA AVE  
VENTURA, CA 93009

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF YOLO  
301 SECOND STREET  
WOODLAND, CA 95695

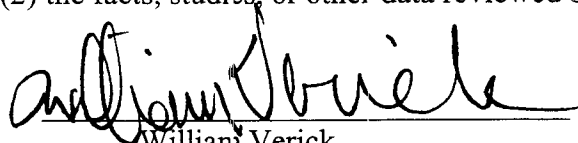
OFFICE OF THE DISTRICT ATTORNEY  
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215 5TH ST.  
MARYSVILLE, CA 95901

BARRY J. FELD, CEO  
COST PLUS, INC.  
200 4TH STREET  
OAKLAND, CA 94607

### CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings. I am the attorney for the noticing party. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the person(s) consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: March 12, 2008

  
William Verick

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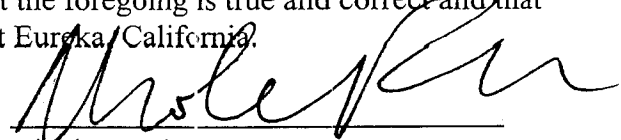
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliances in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

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### CERTIFICATE OF SERVICE

I, Nicole Frank, declare:

If called, I could and would testify as follows: I am over eighteen. My business address is 424 First Street, Eureka, California, 95501. On March 12, 2008, I caused the attached 60-DAY NOTICE LETTER, or a letter identical in substance, to be served by U.S. Mail on those public enforcement agencies listed on the attached SERVICE LIST; in addition on the same date and by U.S. Mail I caused the attached 60-DAY NOTICE LETTER and PROPOSITION 65: A SUMMARY to be sent by Certified U.S. Mail to the private business entities also listed on the attached SERVICE LIST. I deposited copies of these documents in envelopes, postage pre-paid, with the U.S. Postal Service on the day on which the mail is collected. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on March 12, 2008, at Eureka, California.

  
Nicole Frank

## **PRODUCTS LIST**

### **COST PLUS, INC.**

BRASS PIGGY BANK SKU# 3962712 #23927124; HAPPY BUDDHA WITH RUYI PO# 200325837 #364994; HANGING BRASS PAGODA #23790452; HOLIDAY BELLS DOOR HANGER #2398 4592; AMBER/STONE BRACELETT PO# 400335067 23760622; BRASS COMPASS/EGG TIMER # 2394 7764 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar products made out of leaded brass.